

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY R. TURNER,)	No. C 15-4697 JSW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL;
)	DENYING MOTION FOR
v.)	INTERVENTION
)	
CALIFORNIA SUPREME COURT,)	
)	(Dkt. 7)
Defendants.)	
_____)	

INTRODUCTION

Anthony R. Turner, a prisoner of the State of California, filed this pro se civil complaint. For the reasons discussed below, the complaint is dismissed. He has been granted leave to proceed in forma pauperis in a separate order.

STANDARD OF REVIEW

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. 1915A(a). In its review the court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* at 1915A(b)(1),(2).

Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of the claim showing that the pleader is entitled to relief." "Specific facts are not

1 necessary; the statement need only "give the defendant fair notice of what the . . . claim
 2 is and the grounds upon which it rests." *Erickson v. Pardus*, 127 S. Ct. 2197, 2200
 3 (2007) (citations omitted). Although in order to state a claim a complaint "does not need
 4 detailed factual allegations, . . . a plaintiff's obligation to provide the 'grounds of his
 5 'entitle[ment] to relief' requires more than labels and conclusions, and a formulaic
 6 recitation of the elements of a cause of action will not do. . . . Factual allegations must
 7 be enough to raise a right to relief above the speculative level." *Bell Atlantic Corp. v.*
 8 *Twombly*, 127 S. Ct. 1955, 1964-65 (2007) (citations omitted). A complaint must proffer
 9 "enough facts to state a claim for relief that is plausible on its face." *Id.* at 1974. Pro se
 10 pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696,
 11 699 (9th Cir. 1990).

12 LEGAL CLAIMS

13 Plaintiff alleges that the Superior Court of Yolo County imposed a fine as part of
 14 his criminal proceedings, that he was not aware of that fine, and that the Superior Court
 15 then imposed a lien on his real property. Plaintiff seeks a "writ of replevin" restoring the
 16 real property to him, a "release" of the lien, and his own release from prison. Plaintiff has
 17 not alleged any basis for this Court's jurisdiction over this case, however. He does not
 18 assert any violation of federal law, and his allegations do not raise a federal question. *See*
 19 28 U.S.C. § 1331. In addition, as Defendant and Plaintiff are both located in California,
 20 there is no diversity jurisdiction. *See* 28 U.S.C. § 1332. To the extent Plaintiff believes
 21 that the fine and/or lien violate state law, he may bring an action in state court. To the
 22 extent he seeks release from custody, he must do so in a petition for a writ of habeas
 23 corpus after he has exhausted his claims in the California Supreme Court. *See Skinner v.*
 24 *Switzer*, 131 S. Ct. 1289, 1293 (2011) (habeas is the "exclusive remedy" for the prisoner
 25 who seeks "immediate or speedier release" from confinement). Plaintiff should be aware
 26 that while he may challenge his custody in a habeas petition, he may not challenge the
 27 imposition of a fine. *See Bailey v. Hill*, 599 F.3d 976, 980 (9th Cir. 2010).

28 Plaintiff has also filed a petition for a writ of error coram nobis. District courts

1 may not entertain a petition for the writ with respect to challenges to collateral
2 consequences of state court convictions such as Plaintiff's claims here. *Sinclair v.*
3 *Louisiana*, 679 F.2d 513, 513-15 (5th Cir. 1982).


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5 **CONCLUSION**

6 For the reasons set out above, this action is DISMISSED.

7 The Clerk shall close the file and enter judgment.

8 IT IS SO ORDERED.

9 DATED: November 23, 2015

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13 JEFFREY S. WHITE
14 United States District Judge
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